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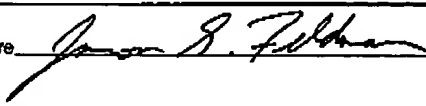
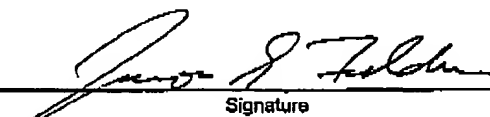
AUG 26 2005

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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) G&C 30566.112-US-U1						
I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office under 37 CFR 1.8 on <u>August 26, 2005</u> Signature <u></u> Typed or printed name <u>Jason S. Feldmar</u>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 5px;">Application Number 09/629,117</td> <td style="width:50%; padding: 5px;">Filed July 31, 2000</td> </tr> <tr> <td colspan="2" style="padding: 5px;">First Named Inventor Howard Marantz et al.</td> </tr> <tr> <td style="padding: 5px;">Art Unit 2143</td> <td style="padding: 5px;">Examiner Alina A. Boutah</td> </tr> </table>		Application Number 09/629,117	Filed July 31, 2000	First Named Inventor Howard Marantz et al.		Art Unit 2143	Examiner Alina A. Boutah
Application Number 09/629,117	Filed July 31, 2000							
First Named Inventor Howard Marantz et al.								
Art Unit 2143	Examiner Alina A. Boutah							
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>								
<p>I am the</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98) <input checked="" type="checkbox"/> attorney or agent of record. <u>39,187</u> Registration number _____ <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ </div> <div style="width: 45%; text-align: center;">  _____ Jason S. Feldmar _____ _____ (310) 641-8797 _____ August 26, 2005 _____ </div> </div>								
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>								
<input type="checkbox"/> Total of _____ forms are submitted.								

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Due Date: August 27, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Howard Marantz et al.	Examiner:	Alina A. Boutah
Serial No.:	09/629,117	Group Art Unit	2143
Filed:	July 31, 2000	Docket:	G&C 30566.112-US-U1
Title:	METHOD AND APPARATUS FOR OBTAINING A SET OF MAPS		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed *via facsimile transmission* to the U.S. Patent and Trademark Office on August 26, 2005.

By: 
Name: Jason S. Feldman

PRE-APPEAL BRIEF REQUEST FOR REVIEW ARGUMENTS

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated May 27, 2005, and the Advisory Action dated August 19, 2005, Appellants hereby submit a Notice of Appeal accompanied by a Pre-Appeal Brief Request for Review. The claims have not been amended.

Appellants traverse the rejections. Specifically, Berstis does not teach, disclose or suggest a PDA receiving a mapset containing data for multiple maps, wherein the mapset was constructed prior to the PDA requesting the data.

Independent claims 11, 23, and 35 are directed towards a PDA used to access geographic information (see page 8, lines 22-23). More specifically, an application on a PDA requests map data

was constructed prior to the servlet receiving the request from the PDA (see page 9, lines 10-18; page 18, lines 15-18; page 20, lines 5-13; FIG. 4; FIG. 5; page 21, lines 2-15; page 22, lines 3-5; page 23, lines 7-10; and page 24, lines 4-5). Once the mapset is received, the PDA formats and displays the mapdata from the mapset on a screen of the PDA (see page 16, lines 9-15; page 17, line 22-page 18, line 5; page 28, lines 5-7).

Appellants note (with particularity) that the claims provide that the mapset (which consists of two or more maps) is constructed prior to receiving the request for map data from the PDA.

Appellants submit that based on the claims and cited art, there are clear errors in the examiner's rejections and further, the rejections fail to establish essential elements needed for a *prima facie* rejection.

Claims 11, 23, and 35 - Failure to Establish Prima Facie Case under 35 U.S.C. §103(a)

Appellants direct the panel to pages 11-14 of the "Amendment"/Request for Reconsideration (wherein the claims were not amended) filed by Appellant on July 27, 2005 for the substance of the arguments. Based on such arguments, Appellants submit that there is clear error in the examiner's rejection. In response to the arguments, the Advisory Action submits that the illustration of a photo and a map is interpreted as a mapset. Appellants note that to meet the claim limitations, not only must the map and picture both qualify as data for two or more maps, but the map and picture must be constructed together into a mapset that is constructed prior to the server receiving the request. Neither the Office Action nor the Advisory Action even remotely address such a combined mapset that is constructed prior to receiving a request from a PDA. Instead, the Actions merely state that both the picture and map are collected and stored on a physical media. The mere creation of two separate images – a photo and a map that are separately stored on a server completely fails to even remotely allude to the mapset as claimed. In this regard, two separate images are not a set of maps or mapset as claimed and described in the specification. Accordingly, Berstis' teaching clearly fails to meet an essential element of the claims – the construction of a

relied upon (and not sole reliance on the dictionary as set forth in both the final Office Action and Advisory Action).

Claims 41, 45, and 49- Failure to Establish Prima Facie Case under 35 U.S.C. §103(a)

Appellants direct the Panel to page 15 of the "Amendment"/Request for Reconsideration filed by Appellants on July 27, 2005. Namely, these claims contain elements that were completely disregarded and not addressed whatsoever in any of the Office Actions. Further, the Advisory Action failed to respond to the arguments submitted in the prior amendments that identified the omissions in the prior Office Actions.

In view of the failure to address certain elements of the claims, there are clear errors in the examiner's rejections and an essential element needed to establish a prima facie rejection is omitted.

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Appellants' undersigned attorney.

Respectfully submitted,

Howard Marantz et al.

By their attorneys,

GATES & COOPER LLP

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Date: August 26, 2005

JSF/mrj

By: 

Name: Jason S. Feldmar

Reg. No.: 39,187